IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 20730-CAT of 2006

Date of Decision : 23.12.2006

Union of India and others ... Petitioners

Versus

Surinder Kumar and another. .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. M.S. Guglani, Advocate,
for the petitioners.

J.S. Khehar, J. (Oral)

The claim of respondent No.1 – Surinder Kumar was not favourably considered for appointment on compassionate grounds under ex-gratia scheme, issued by the Government. Respondent No.1, therefore, approached the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as the 'Administration Tribunal') by filing Original Application No. 696/HR/2004. The same was disposed of by the Administrative Tribunal, by an order dated 27.02.2006, requiring the petitioners to reconsider the claim of respondent No.1 on compassionate grounds. It is the aforesaid order dated 27.02.2006, which is subject matter of challenge at the hands of the petitioners. In sum and substance through the instant writ petition, the petitioners have expressed their desire not to reconsider the claim of respondent No.1 – Surinder Kumar for appointment on compassionate grounds. The instant contention at the hands of the learned counsel for the petitioners, is based on policy instructions issued by the petitioners dated 22.06.2001 (Annexure R-3).

Having examined the claim of the petitioners, we are satisfied that the same is clearly misconceived. The admitted position is, that the father of respondent No.1 – Surinder Kumar, died on 03.10.2000, whereas the policy instructions relied upon by the learned counsel for the petitioners were issued on 22.06.2001. In view of the decision rendered by a Division Bench of this Court in Jai Ram versus U.H.B.V.N. Ltd. and another, 2004(5) SLR, 851, it has now been held that the claim of the dependent for appointment on compassionate grounds, has to be considered on the basis of the rules/regulations prevalent at the time of the death of the concerned employee in harness.

In view of the above, it is not possible for us to accept the solidary contention of the learned counsel for the petitioners.

Dismissed.

(J.S. Khehar)
Judge

December 23, 2006 (S.D. Anand)
vkd Judge